
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Weller et al.

Attorney Docket No.:

VISAP064/P-11700USD1

Application No.: 09/842,313

Examiner: WORJLOH, Jalatee

Filed: April 24, 2001

Group: 3685

Title: ONLINE PAYER AUTHENTICATION
SERVICE

Confirmation No.: 5667

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 15, 2009. Signed: /Ann Lowe/ Typed: Ann Lowe

**INFORMATION DISCLOSURE STATEMENT
BEFORE FINAL ACTION OR NOTICE OF ALLOWANCE
(37 CFR §§ 1.56 AND 1.97(c))**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The reference(s) identified in the attached PTO Form 1449, (copies of non-U.S. references are attached), may be material to examination of the above-identified patent application. Applicants identify the reference(s) in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make the identified reference(s) of official record in this application.

The real party in interest, Visa Inc., of the present application has brought an opposition against Australian patent application No. 2003243523, held in the name of Cardinal Commerce Corporation. As part of that opposition, Visa has obtained statutory declarations from Andrew Weller and Bahram Boutorabi which are attached to this Information Disclosure Statement. The declarants reference documents in the prior art and also provide their own opinions as to what technology was in the prior art at a particular time.

Because each declaration refers to a variety of technologies available at different times, Applicant has included the entire declaration even though portions of that declaration may not be prior art to the present application. Applicant provides the following summary to aid the

examiner in determining which portions of the declarations and which mentioned references might potentially be prior art to the present application.

Declaration Made by Andrew Weller

Concerning the second declaration made by Andrew Weller on April 6, 2009, Applicant points out that sections 7(b), 12, 15, 17, and 23 refer to technology available before June 2002, the priority date of the Australian patent application. Sections 7(d) and (e) refer to technology that has been around for "decades" and "since the very earliest days." The first three paragraphs of section 9 and section 25 refer to technology available in the SET protocol. The final paragraph of section 9 refers to technology available for "ages" and "been done for so long." Sections 10, 20, 27, 29 and 30 refer to technology available since the 1990s. Sections 11 and 14 mention technology available in the 1980s. Section 13 mentions technology available in 1997 or 1999. Section 21 refers to technology in use in the 1970s. Section 33 refers to a company set up in 1996. Section 34 mentions technology described in products available before 2001.

Declaration Made by Bahram Boutorabi

Concerning the second declaration made by Bahram Boutorabi on April 7, 2009, Applicant points out that sections 8.2, 8.7, 8.10, 8.11, 11-17.8, 17.11, 18, 21, 22, 25-30.1, 30.4, 30.5, 30.8, 36, 36.2, and 36.4-37.2 refer to technology available before June 2002, the priority date of the Australian patent application. Sections 8.8, 17.9, 17.12, 30.2, and 30.3 refer to technology that has been around for "decades." Sections 8.1 and 8.3 refer to technology available in the SET protocol. Section 8.4 refers to the SPA protocol of 2001. Sections 8.1, 8.2, 8.5, 36.3, 37, 37.3 refer to technology available since the 1990s.

Section 8.3 also mentions four presentations. The first two presentations were given to a select group of vendors and are labeled "confidential." Because these two presentations were not available to the general public and were identified as being "confidential," Applicant submits that they are not available as prior art and has not submitted them. The second two presentations have been submitted in this disclosure statement. Section 9 refers to four presentations that are submitted in this disclosure statement. Sections 31-34 and 36.1 refer to exhibits that have been submitted in this disclosure statement. Section 36.1 refers to an exhibit BB-23 that it characterizes as being available before the priority date of June 2002.

Applicant notes that many sections in the above declarations refer to technology available in Visa 3-D Secure. But, the Visa 3-D Secure technology is the basis for the inventions of application number 09/842,313 and was developed by the inventors of that application, and thus cannot be prior art to that application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that the reference(s) indeed constitutes prior art.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits, or after three months from the filing date of this application, whichever event occurred last, but it is believed before the mailing date of either: (i) a final action under §1.113 or (ii) a notice of allowance under §1.311, whichever occurs first.

The fee has been paid in a previously filed EFS submission in this application today. If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-4481 (Order No. VISAP064/P-11700USD1).

Respectfully submitted,
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